

**Objection to Denial of 401 Water Quality Certification,
Allied Waste, Lake County C & D Landfill, Lowell, Lake County, Indiana.
2008 OEA 43 (08-S-J-4105)**

OFFICIAL SHORT CITATION NAME: When referring to 2008 OEA 43 cite this case as
Allied Waste, Lake County, 2008 OEA 43.

TOPICS:

dismissal
AOPA
late
Petition for Review
timely
IC 4-21.5-3-2
IC 4-21.5-3-7
315 IAC 1-3-3

PRESIDING JUDGE:

Gibbs

PARTY REPRESENTATIVES:

Petitioner: Derek Mauntel
IDEM: Steve Griffin, Esq.

ORDER ISSUED:

May 7, 2008

INDEX CATEGORY:

Water

FURTHER CASE ACTIVITY:

[none]

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4. IC 4-21.5-3-2(e) provides that three (3) days shall be added to this deadline if service is by mail.
5. Pursuant to IC 4-21.5-3-1(f)(2) and 315 IAC 1-3-3(c), the date of filing is the date of the postmark on the envelope containing the document.
6. The Petitioner had eighteen (18) days from April 2, 2007, the date of the notice and the presumed date of mailing, until April 20, to file the petition for review.
7. The petition for review was filed on May 1, 2008 and was not timely filed in this matter.

Final Order

IT IS THEREFORE ORDERED that the Petition for Review filed by Petitioner is hereby dismissed.

You are hereby further notified that pursuant to provisions of IC 4-21.5-7.5, the Office of Environmental Adjudication serves as the Ultimate Authority in the administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This is a Final Order subject to Judicial Review consistent with applicable provisions of IC 4-21.5. Pursuant to IC 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

IT IS SO ORDERED this 7th day of May, 2008 in Indianapolis, IN.

Hon. Catherine Gibbs
Environmental Law Judge